

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 13**  
**JUNE 26, 2008**

The Legislature was called to order by Chair Marinelli.

All members present, except Ms. Miller-Williams.

An Invocation was held, led by Ms. Iannello, who requested a moment of silence, following a short prayer.

The Pledge of Allegiance was led by Mr. Wroblewski.

Item 1 – No tabled items.

Item 2 – MS. WHYTE moved to reconsider COMM. 11E-10 (2008). MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Operation Prime Time  
(COMM. 11E-10)

WHEREAS, the Erie County Youth Bureau has an appropriation of \$714,285 in the 2008 Adopted Budget for Operation Prime Time for community based organization (CBO) contracts for the eight week school summer recess period; and

WHEREAS, this appropriation will fund adult supervised programs consisting of structured recreational and educational activities that increase socialization and foster respect for authority, and prevent delinquency; and

WHEREAS, the Erie County Youth Bureau conducted an extensive, open and transparent Request for Proposals process assisted by the Erie County Youth Board; and

WHEREAS, the Erie County Youth Board is making recommendations based on the agency interview, past history, expenditure detail, community collaboration, and conformance to the requirements of the RFP; and

WHEREAS, the alphabetical recommended list for funding 54 CBO contracts is as follows:

ACCESS of WNY	8,000
Act For Youth for Erie County	13,000
Back To Basics Outreach Ministries	15,000
Be-A-Friend Inc.	9,000
Blossom Garden Friends School	6,000
Bob Lanier Center	10,000
Boy Scouts Of America	35,000
Boys & Girls Club of Buffalo	30,000

Boys & Girls Club of Eden Inc.	10,000
Boys & Girls Club of Holland	10,000
Boys & Girls Club of Orchard Park	8,000
Boys & Girls Club of the North Towns	15,000
Boys & Girls Club of East Aurora	15,000
Boys & Girls Club of Elma, Marilla and Wales	7,000
Buffalo Alliance for Education	20,000
Buffalo Museum of Science	8,000
Butler Mitchell Association Inc.	8,000
Center for Exploratory and Perceptual Arts	15,000
Community Action Organization	40,000
Computers for Children	25,000
Concerned Ecumenical Ministries	8,000
Cradle Beach Camp	15,000
CRUCIAL Human Services	12,285
Delavan Grider Community Center	15,000
Elim Community Corporation	8,000
Erie Regional Housing Development Corp.	15,000
First Hand Learning	10,000
Fillmore Leroy Area Residents	5,000
Hispanics United of Buffalo	10,000
Holy Cross Church	5,000
Lackawanna Yemen Sports & Education	12,000
Lt. Col. Matt Urban Human Services Center	17,000
MAD DADS of Greater Buffalo	5,000
Massachusetts Avenue Project	15,000
Northwest Buffalo Community Center	38,000
Old First Ward Community Center	15,000
P2 Collaborative of WNY - Ginger Kids	10,000
Parkside Community Association of Buffalo	5,000
Pioneer Camp and Retreat Center	10,000
Police Athletic League of Buffalo	32,000
St. Vincent DePaul Camp	10,000
Schiller Park Community Services	22,000
Seneca Babcock Community Association	15,000
The Enlightenment Literary Arts Center Inc.	5,000
The F.A.M.I.L.Y. 25 Inc.	10,000
Town of Tonawanda Youth, Parks, Recreation	10,000
University Heights Community Development Association	8,000
Urban Christian Ministries	7,000
Valley Community Association	15,000
Wellness Institute of Greater Buffalo	5,000
West Seneca Americorp	5,000
Westside Community Services	15,000
Willie Hutch Jones Sport Clinic	8,000

YMCA Buffalo Niagara

10,000

totaling \$714,285; and

WHEREAS, there is no fiscal impact to the 2008 Adopted Budget based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services be authorized to execute necessary contracts and agreements for this program and, be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Youth Bureau, the Erie County Comptroller, and the Director of the Division of Budget and Management.

MS. WHYTE moved to amend the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

DELETE the Fifth WHEREAS Clause in its Entirety and Insert the following:

WHEREAS, the alphabetical recommended list for funding 54 CBO contracts is as follows:

ACCESS of WNY	6,400
Act For Youth for Erie County	10,400
Back To Basics Outreach Ministries	12,000
Be-A-Friend Inc.	7,200
Blossom Gardens Friends School	4,800
Bob Lanier Center	8,000
Boy Scouts of America	28,000
Boys & Girls Club of Buffalo	24,000
Boys & Girls Club of Eden Inc.	8,000
Boys & Girls Club of Holland	8,000
Boys & Girls Club of Orchard Park	6,400
Boys & Girls Club of the North Towns	12,000
Boys & Girls Club of East Aurora	12,000
Boys & Girls Club of Elma, Marilla, & Wales	5,600
Buffalo Alliance for Education	16,000
Buffalo Museum of Science	6,400
Butler Mitchell Association Inc	6,400
Center for Exploratory & Perceptual Arts	12,000
Community Action Organization	32,000
Computers for Children	20,000
Concerned Ecumenical Ministries	6,400
Cradle Beach Camp	12,000
CRUCIAL Human Services	9,828
Delavan Grider Community Center	12,000
Elim Community Corporation	6,400
Erie Regional Housing Development Corp.	12,000

First Hand Learning	8,000
Fillmore Leroy Area Residents	4,000
Hispanics United of Buffalo	8,000
Holy Cross Church	4,000
Lackawanna Yemen Sports & Education	9,600
Lt. Col. Matt Urban Human Services Center	13,600
MAD DADS of Greater Buffalo	4,000
Massachusetts Avenue Project	12,000
Northwest Buffalo Community Center	30,400
Old First Ward Community Center	12,000
P2 Collaborative of WNY-Ginger Kids	8,000
Parkside Community Association of Buffalo	4,000
Pioneer Camp and Retreat Center	8,000
Police Athletic League of Buffalo	25,600
St. Vincent DePaul Camp	8,000
Schiller Park Community Services	17,600
Seneca Babcock Community Association	12,000
The Enlightenment Literary Arts Center Inc	4,000
The F.A.M.I.L.Y. 25 Inc	8,000
Town of Tonawanda Youth, Parks, Recreation	8,000
University Heights Community Development	6,400
Urban Christian Ministries	5,600
Valley Community Association	12,000
Wellness Institute of Greater Buffalo	4,000
West Seneca Americorp	4,000
Westside Community Services	12,000
Willie Hutch Jones Sports Clinic	6,400
YMCA Buffalo Niagara	8,000

Totaling \$571,428; and

MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Numbers 11 and 12 from 2008. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

#### **MISCELLANEOUS RESOLUTIONS**

Item 5 – CHAIR MARINELLI presented a resolution Honoring Elaine DeFranks Upon Her Retirement from the Erie County Clerk's Office.

Item 6 – MS. IANNELLO presented a resolution Honoring Anthony and Concetta Scoppechio Upon Their 70th Wedding Anniversary.

Item 7 – MS. IANNELLO presented a resolution Honoring Van Miller Upon His Induction Into the NYS Broadcaster's Association's 2008 Hall of Fame.

Item 8 – MS. IANNELLO presented a resolution Honoring Lindsay Amico Upon Being Named Youth of the Month for April 2008 by the Exchange Club of the Tonawandas.

Item 9 – MS. IANNELLO presented a resolution Honoring Rachel Giuseppetti Upon Being Named Youth of the Year by the Lake Erie District of the National Exchange Club.

Item 10 – MS. IANNELLO presented a resolution Honoring Brittany Stallard Upon Being Named Grand Island Chamber of Commerce Youth Ambassador for 2007-2008.

Item 11 – MS. IANNELLO presented a resolution Honoring Hon. John LaFalce Upon Being Appointed to the NYS Banking Board.

Item 12 – MS. IANNELLO presented a resolution Honoring Dominik Hasek Upon His Retirement from the National Hockey League.

Item 13 – MS. IANNELLO presented a resolution Honoring Ali Sciandra Upon Winning the 2008 Allentown Art Festival Poster Design Contest.

Item 14 – MS. IANNELLO presented a resolution Honoring Barbara Dorn Upon Her Retirement from the Village of Kenmore Clerk's Office.

Item 15 – MS. MILLER-WILLIAMS presented a Memorial Resolution Honoring Johnnie Tab Ray.

Item 16 – MS. MILLER-WILLIAMS presented a Memorial Resolution Honoring Henrietta Wilson.

Item 17 – MS. IANNELLO presented a resolution Honoring Ciara Morreale Upon Being Named Grand Island Chamber of Commerce Youth Ambassador for 2007-2008.

Item 18 – MR. KOZUB presented a resolution Honoring the Memory of Dennis Bigaj.

Item 19 – MR. REYNOLDS presented a resolution Congratulating the Town of North Collins on Their New Town Hall.

Item 20 – MR. REYNOLDS presented a resolution Congratulating Richard A. Smith Upon Having the New Highly Specialized Fully Wheelchair Accessible Excalibur Island Hopper Named After Him.

Item 21 – MR. KENNEDY presented a resolution Honoring Trocaire College Upon the Celebration of Their 50<sup>th</sup> Anniversary.

Item 22 – MS. MILLER-WILLIAMS and MS. GRANT presented a resolution Honoring the Memory of Melvin Johnson.

Item 23 – MS. MILLER-WILLIAMS and MS. GRANT presented a resolution Honoring the Final Graduation Class of Seneca Vocational High School.

Item 24 – MR. MILLS presented a resolution Recognizing Shane Biggs for His Heroic Acts.

Item 25 – MR. RATH presented a resolution Honoring St. Gregory the Great Church Upon the Celebration of Their 50th Anniversary.

Item 26 – MR. KENNEDY presented a resolution Recognizing Celebrating the Life of Timothy J. Russert (1950-2008).

Item 27 – CHAIR MARINELLI presented a resolution Honoring Carmela Trippi Upon the Celebration of Her 99th Birthday

Item 28 – CHAIR MARINELLI presented a resolution Honoring George and Audrey Thomas Upon the Celebration of Their 50th Wedding Anniversary.

Item 29 – CHAIR MARINELLI presented a resolution Honoring the Memory of Mary Oshirak (1923-2008).

Item 30 – CHAIR MARINELLI & MR. KOZUB presented a resolution Congratulating the St. Francis High School 2008 Varsity Baseball Team Upon Winning its Third Consecutive Georgetown Cup.

MS. WHYTE moved for consideration of the above twenty-six items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-six items by including Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-six items as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 31 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 32 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 33 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 34 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 35 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 36 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 37 - CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 38 - MS. KONST presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

JUNE 16, 2008, FOLLOWING RECESS,  
RECONVENED ON JUNE 19, 2008

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-29 (2008)  
**COMPTROLLER**

WHEREAS, the County Comptroller is the chief fiscal, accounting, reporting and auditing officer of Erie County; and

WHEREAS, under the Erie County Charter, the Comptroller maintains custody of moneys of the County, as well as those moneys for which it is responsible; and

WHEREAS, New York State General Municipal Law § 39 requires each local government to adopt an investment policy; and

WHEREAS, general guidelines governing the deposit, investment and collateralization of County funds and funds for which the County is responsible were previously developed by the Comptroller and approved by the County Legislature; and

WHEREAS, New York State General Municipal Law § 39 provides that a local government has the power to amend its investment policy from time to time; and

WHEREAS, the Comptroller has recently reviewed and updated the County's investment guidelines.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature approves the amended Investment Guidelines as proposed by the County Comptroller and that the amended Investment Guidelines become effective immediately; and

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, and the Director of Budget and Management.  
(5-0) Legislator Grant absent at for vote.

**KATHY KONST**  
**CHAIR**

Item 39 – MR. MAZUR presented the following report, moved to separate item Number 4, and moved to approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

JUNE 19, 2008

HEALTH & HUMAN SERVICES  
COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11D-3 (2008)



**DEPARTMENT OF HEALTH:** Agenda for EC Board of Health Meeting on July 8, 2008 and Minutes from January 10, 2008  
(4-0) Chair Marinelli not present for vote.

- b. COMM. 11M-5 (2008)  
**COLUCCI & GALLAHER, P.C.:** Materials Distributed at the May 29, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation  
(4-0) Chair Marinelli not present for vote.

2. INTRO 11-1 (2008)  
**RATH**

WHEREAS, adequate health insurance coverage is crucial for retired public employees and their dependents; and

WHEREAS, in an effort to examine the issue of health insurance for retirees, New York State Senate Bill S. 6457 and New York State Assembly Bill A. 9393A propose to establish an expert task force to study and recommend cost-effective strategies for protecting adequate and affordable health insurance coverage for retired public employees and their families, and implement a temporary moratorium on unilateral changes affecting most retirees in the existing health insurance program; and

WHEREAS, the twelve member committee will be comprised of:

- (a) the chair of the senate committee on civil service and pensions, the chair of the assembly committee on governmental employees, and the president of the state civil service commission, or their designees, who shall serve as co-chairs;
- (b) two members appointed by the governor, one of whom shall be appointed upon the recommendation of the New York State AFL-CIO;
- (c) two members appointed by the temporary president of the senate, one of whom shall be appointed upon the recommendation of the New York State AFL-CIO;
- (d) two members appointed by the speaker of the assembly, one of whom shall be appointed upon the recommendation of the New York State AFL-CIO;
- (e) the state comptroller, or his or her designee;
- (f) one member appointed by the minority leader of the senate and one member appointed by the minority leader of the assembly; and

WHEREAS, notably, the committee specifically requires membership of four elected or appointed state officials and three members recommended by the AFL-CIO; and

WHEREAS, notably absent are the state's health and insurance commissioners or representatives from the insurance industry or local government; and

WHEREAS, Erie County is the second largest county in New York State; and

WHEREAS, the proposed committee does little to bring a full spectrum of those with knowledge of the challenges involved with providing affordable health insurance to our retired public officials together to adequately address the issues; and

WHEREAS, the proposed moratorium is also counterproductive to reform; and

WHEREAS, such moratorium prevents municipalities from instituting a change in coverage, even if it is mutually beneficial to taxpayers and retirees alike; and

WHEREAS, a previous similar moratorium instituting a one-year freeze for school district retirees has been renewed every year since 1992; and

WHEREAS, rather than being a tool for reform, the moratorium has been a vehicle for maintaining a debilitating status quo.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature opposes New York State Senate Bill 6457 and New York State Assembly Bill 9393A, which are counterproductive to achieving desperately needed reform; and be it further

RESOLVED, any future bills call for the committee to include a broader range of experts in the field, as well as a representative from Erie County government; and be it further

RESOLVED, any future bills call for no moratoriums, or, at minimum, not allow a moratorium to renew; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, the local delegation to the New York State Legislature and County Executive Christopher Collins.

(4-0) Chair Marinelli not present for vote.

3. **COMM. 11E-6 (2008)**

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the State Transportation (AAATRAN) grant for the period April 1, 2007 to March 31, 2008, and for the Long Term Care Point of Entry Program (POE) for calendar year 2008; and

WHEREAS, the Department of Senior Services reviewed the program budgets and service objectives and desires to charge a portion of the Dispatcher position, from the Area Agency on Aging (III-B) grant to the AAA Transit grant, and the portion of various departmental employees' salary, fringe benefits and seminar/conference costs to the POE Program that was spent on POE planning and implementation, both effective January 1, 2008; and

WHEREAS, the Department will be able to fully use the State funds as recommended by the grantor and available appropriations exist; and

WHEREAS, there are no County funds associated with the AAATRAN grant nor the POE program.

NOW, THEREFORE, BE IT

RESOLVED, that the III-B Dispatcher's salary be charged to the AAATRAN grant 163AAATRAN0708, to the extent of available appropriations, and a portion of employees' salaries, fringe benefits and seminar/conference costs relating to POE planning and implementation be charged to the POE Program, both effective January 1, 2008; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, the Department of Law and the Department of Senior Services.

(4-0) Chair Marinelli not present for vote.

4. COMM. 11E-7 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$5,000 from the Department of Health & Human Services through the National Association of County and City Health Officials (NACCHO) to provide funding for the coordination and recruitment for the S.M.A.R.T. (Specialized Medical Assistance Response Team); and

WHEREAS, the mission of S.M.A.R.T. requires the purchase of uniforms which are used for agency identification at deployments and also the purchase of personal protective equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with National Association of County and City Health Officials (NACCHO) which is budgeted as follows:

**MEDICAL RESERVE CORPS**

05/05/08 – 07/31/08

SAP TITLE: HS127MRC2008

SAP	REVENUE	BUDGET
414000	FEDERAL AID	\$ 5,000
	TOTAL	<u>\$ 5,000</u>

	EXPENSES	
505200	CLOTHING SUPPLIES	\$ 5,000
	TOTAL	<u>\$ 5,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance, the Department of Law and Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, 9<sup>th</sup> Floor, Rath Building.

(4-0) Chair Marinelli not present for vote.

5. COMM. 11E-8 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Department received a grant award from the New York State Department of Health in the amount of \$35,800 for the period October 1, 2007 to September 30, 2009; and

WHEREAS, the Erie County Department of Health has regulatory oversight of the operation of the seven public beaches on Lake Erie in Erie County with responsibility to protect the health of bathers by assuring that public beaches are open only when conditions meet the standards of the New York State Public Health Code; and

WHEREAS, the Erie County Department of Health established a pre-emptive closing procedure in 1998 that closes the beaches after rain events of ½ inch or more at the beach or in the watershed of the stream(s) that impacts the beach and re-open only when daily sampling indicates that the beach water meets New York State Department of Health Standards; and

WHEREAS, in 2007 the Erie County Department of Health received a grant from the U.S. Department of Environmental Protection Agency (USEPA) for beach sanitary surveys including extensive water quality sampling at Evans Town Beach, Lake Erie Beach and neighboring streams. This USEPA grant work re-validated the pre-emptive closing procedure by verifying high bacterial contamination at the bathing beaches after rain events, linked the transport of bacterial contamination to the lake by the streams, and identified the flush-out from outfalls of storm sewers as the primary sources of increased bacterial contamination concentrations to the streams and along the shoreline of Lake Erie; and

WHEREAS, based on a Request-for-Proposals solicited by the New York State Department of Health, the Erie County Health Department (ECHD) submitted a work plan to conduct additional beach sanitary surveys including extensive water quality sampling at Wendt Beach, Hamburg Town Beach, at several neighboring streams, additional work at Evans Town Beach and at Lake Erie Beach including Muddy Creek, that would be a systematic approach to identifying point sources of bacterial contamination, differentiate between human and non-human sources of bacterial contamination, through enforcement to abate the point sources, to reduce the bacterial contamination impacting the water quality at the beaches; and

WHEREAS, the work plan also includes funding for the equipment to establish small modular networked weather stations to provide accurate, timely and localized rainfall data for the beaches and the watersheds of neighboring streams to allow better implementation of the pre-emptive closing procedure after rain events and reduce unnecessary closures.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award from the New York State Health Department for the period October 1, 2007 to September 30, 2009, to be budgeted as follows:

Bathing Beach Water Quality Monitoring and Notification Grant  
Sanitary Survey Project  
10/01/07 – 9/30/09

*REVENUES*

409000	State Aid	\$ 35,800
	TOTAL REVENUES	<u>\$ 35,800</u>

*EXPENSES*

501000	Overtime	\$ 5,680
505000	Office Supplies	239
516020	Prof. Services Contract & Fees	19,200
561410	Lab and Technical Equipment	6,400
912730	ID Health Lab Services	3,842
980000	DISS	<u>400</u>
	TOTAL EXPENSES	<u>\$ 35,800</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, 9<sup>th</sup> Floor, Rath Building.

(4-0) Chair Marinelli not present for vote.

6. COMM. 11E-9 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Abuse Prevention (Title VII) grant for the period January 1, 2007 to December 31, 2007; for the Long Term Care Ombudsman Program (LTCOP) grant for the period April 1, 2008 to March 31, 2009; and

WHEREAS, the New York State Office for the Aging notified the Department of Senior Services (Department) of final allocations for the Title VII and LTCOP grant programs; and

WHEREAS, the Department, as the designated Area Agency on Aging in Erie County, is responsible to oversee the provision of the ombudsman services required by these grants, via contract with the American Red Cross, the designated Ombudsman for Erie County; and

WHEREAS, the Department desires to amend the contracts with the American Red Cross to reflect the increase in Title VII funding and decrease in LTCOP funding; and

WHEREAS, the Erie County Legislature has already authorized the County Executive to contract with Catholic Charities of Buffalo Manpower Services, Inc., for the Housing Improvement, the Adult Day Care and the Geriatric Counseling programs in various grants; and

WHEREAS, Catholic Charities of Buffalo Manpower Services, Inc. has notified the Department that they have changed their legal entity and name to Catholic Charities of Buffalo, NY; and

WHEREAS, the Department wishes to continue the contracts under the new legal entity, Catholic Charities of Buffalo, NY; and

WHEREAS, there are no County funds associated with the Title VII and LTCOP grants, and there is no impact on County funds associated with the contractual change.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Title VII grant funds and amend the contracts with the American Red Cross for the remainder of the grant periods at the amount authorized herein and be it further

RESOLVED, that the County Executive be and is hereby authorized to contract with Catholic Charities of Buffalo, NY as the successor to Catholic Charities of Buffalo Manpower Services, Inc.; and be it further

RESOLVED, that the Title VII grant (163VII2008) for the period January 1, 2008 to December 31, 2008, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid Revenue	\$48,051	\$16,891	\$64,942
	TOTAL CHANGE		\$16,891	
APPROPRIATIONS				
516010	American Red Cross	\$48,051	\$16,891	\$64,942
	TOTAL CHANGE		\$16,891	

and be it further

RESOLVED, that the budget for the LTCOP grant, (163LTCOP0809), be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$44,886	-\$903	\$43,983
	TOTAL CHANGE		-\$903	
APPROPRIATIONS				
516010	American Red Cross	\$44,886	-\$903	\$43,983

TOTAL CHANGE

-\$903

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, the Department of Law and the Department of Senior Services.

(4-0) Chair Marinelli not present for vote.

7. COMM. 11E-12 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Department operates a WIC Program funded by a grant from the New York State Department of Health which pay for 100% of expenses incurred; and

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County; and

WHEREAS, the Erie County Health Department wishes to enter into lease agreements with the following community agencies:

St. Simon's Episcopal Church	\$7,800/year	11/1/08-10/31/09
200 Cazenovia	(\$7,500/year previous yearly cost)	
Buffalo, NY 14210	(with option for two one-year extensions)	

Concerned Ecumenical Ministry	\$1,800/year	9/1/08-8/31/09
286 Lafayette	(\$1,200/year previous yearly cost)	
Buffalo, NY 14210	(with option for two one-year extensions)	

Northwest Buffalo Community Center	\$2,100/year	10/1/08-9/30/09
155 Lawn Avenue	(no change in yearly cost)	
Buffalo, NY 14207	(with option for two one-year extensions)	

to be utilized as a WIC distribution site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into lease agreements with St. Simon's Episcopal Church, Concerned Ecumenical Ministry, and the Northwest Buffalo Community Center, there being funds available in the WIC Program budget; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, 9<sup>th</sup> Floor, Rath Building.

(4-0) Chair Marinelli not present for vote.

8. COMM. 11E-19 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP), selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has the responses, evaluation and selection material available; and

WHEREAS, these contracts will enable employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting Departmental operations; and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts; and

WHEREAS, there is no fiscal impact to the 2008 Adopted Budget based on this resolution and no additional County local share funds are necessary because the existing appropriation in Account 516040, DSS Training and Education, is sufficient to cover these contract renewals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to renew the Employee Education and Training Program contracts to New York State mandated State University of New York (SUNY) institutions as specified below:

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution's Contribution</u>	<u>Paid by ECDSS</u>
Buffalo State College (CDHS) degrees (Master's/ Bachelor's)	09/01/08- 08/31/09	\$426,488	\$153,536	\$272,952
Buffalo State College (CDHS) (In-service Training and Organizational Development)	09/01/08- 08/31/09	\$998,043	\$359,295	\$638,748
Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	09/01/08- 08/31/09	\$395,081	\$142,229	\$252,852
Empire State College (In-Service Training)	09/01/08- 08/31/09	\$536,122	\$155,475	\$380,647



SUNY-Millard Fillmore College (Bachelor's Degrees In Social Science)	8/29/08- 8/28/09	\$97,526	\$34,134	\$63,392
SUNYAB – School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	09/01/08- 08/31/09	\$324,661	\$113,631	\$211,030
SUNYAB Institute for Addictions Studies and Training (In-Service Training)	10/01/08- 09/30/09	\$304,147	\$106,451	\$197,696
Erie Community College (In-Service Training)	10/1/07 9/30/08	\$207,842	\$74,823	\$133,019

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.  
(4-0) Chair Marinelli not present for vote.

**THOMAS J. MAZUR**  
**CHAIR**

Item 40 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 218

JUNE 19, 2008

COMMUNITY ENRICHMENT  
COMMITTEE

**REPORT NO. 10**

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RANZENHOFER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11D-1 (2008)  
**ERIE COMMUNITY COLLEGE:** Follow-Up to Legislative Questions Re: West Herr Lease/Local Law  
(5-0)

2. COMM. 11E-14 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, Verizon wishes to lease space on the microwave relay tower at Erie Community College, North Campus for it's usage without cost to Erie County, including the construction of an equipment structure in close proximity thereto; and

WHEREAS, The North Campus cell tower has been leased only to Nextel previously, who has entered into various lease agreements with Erie County, the latest lease requiring yearly rent of \$19,760 escalating four percent (4%) yearly resulting in total initial five year rents of \$107,025; and

WHEREAS, Verizon, now wishes to enter into a five year lease agreement, with an option to extend an additional five years, subject to the County's approval, paying the college \$120,000 in total rent during the initial five year term, (\$24,000 per year), and including a fifteen percent (15%) increase in rent for the five year renewal term, paying the college \$27,600 yearly and a total of \$138,000 for the five year renewal term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given approval by both the Erie Community College Board of Trustees and the Erie County Fiscal Stability Authority and subject to approval by the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with Verizon to rent space on the existing microwave relay tower at Erie Community College North Campus including the construction of an equipment structure in close proximity thereto; and be it further

RESOLVED, that the term of the lease with Verizon shall be for an initial term of five years commencing at \$24,000 per year, escalating fifteen percent (15%) to \$27,600 for each year of the one five year renewal option, subject to County approval; and be it further

RESOLVED, that the funds received from this lease is to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Erie Community College, the Erie County Fiscal Stability Authority, the Erie County Comptroller, and Assistant County Attorney, Gregory J. Dudek.  
(5-0)

**BETTY JEAN GRANT**  
**CHAIR**

Item 41 - MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

JUNE 19, 2008

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 3M-8 (2008)  
**OFFICE OF THE STATE COMPTROLLER:** Audit of NYS Thruway Authority - Proposed Toll Increases  
(5-0)
  - b. COMM. 8M-16 (2008)  
**NYSDEC:** Public Notice Concerning Brownfield Cleanup Program - Open Comment Period  
(5-0)
  - c. COMM. 11M-1 (2008)  
**NYS DEPARTMENT OF TRANSPORTATION:** US Route 62, SH5172, Niagara Falls Boulevard, Ridge Lea/Koenig Rd. Intersection, I-290 Overpass to Ridge Lea/Koenig Rd. Intersection, Amherst & Tonawanda  
(5-0)
  - d. COMM. 11M-6 (2008)  
**NFTA:** NFTA Board Minutes for Meeting Held on April 28, 2008  
(5-0)
  - e. COMM. 11M-10 (2008)  
**JAMES J. EAGAN:** Letter Regarding NFTA Board of Commissioners Vacancy  
(5-0)

2. COMM. 11E-13 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, your honorable body previously awarded a General Architectural/Engineering contract to Buffalo Engineering for work at the Buffalo and Erie County Public Library – Main Branch; and

WHEREAS, the Library Board of Trustees has requested that the Department of Public Works proceed with the fuel oil tank replacement, sidewalk replacement, and interior storage mezzanine; and

WHEREAS, the Library Board of Trustees further authorized the Library Director, in cooperation with the Erie County Department of Public Works, to proceed with the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to issue a change order to Buffalo Engineering in an amount not to exceed \$65,000.00 for the work; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment from the following SAP Accounts for Design:

'02 Central Library Mechanical Equipment & Building Improvements	Project F.00003	\$20,000.00
'99 Library – Roof & Exterior	Project F.00015	\$ 9,300.00
'99 Central Library - Renovations	Project F.00001	\$18,700.00
'03 Central Library – Interior Renovations	Project F.00006	<u>\$17,000.00</u>
Total Not to Exceed		\$65,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and one copy each to the Office of the County Executive, the department of Budget, Management and Finance, the Office of the Comptroller, and the Library Board of Trustees.  
(5-0)

3. COMM. 11E-15 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, 937 Broadway LLC and 937 Broadway Housing Development Fund Corp is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at 937 Broadway in the City of Buffalo, New York, will contain 43 studio, one-bedroom and two-bedroom apartments for low and very low income persons; and

WHEREAS, in order to make the Project economically feasible for 937 Broadway LLC and 937 Broadway Housing Development Fund Corp. to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with 937 Broadway LLC and 937 Broadway Housing Development Fund Corp. relating to the Broadway Market Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule B attached hereto. Payment under the Agreement will be for thirty (30) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

4. COMM. 11E-23 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the 2008 Capital budget contains \$5,000,000.00 for Buffalo/Niagara Convention Center Renovations and Improvements; and

WHEREAS, the firm of BHNT Architects currently has a term contract with the Department of Public Works to provide Architectural/Engineering Services at the Buffalo/Niagara Convention Center; and

WHEREAS, on July 15, 2004, your honorable body authorized the County Executive to enter into a General Architectural/Engineering Agreement covering Professional Services for miscellaneous County projects with BHNT Architects; and

WHEREAS, it is now desired to start the design work for the 2008 Capital Projects at the Buffalo/Niagara Convention Center.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to BHNT Architects to prepare contract documents for the 2008 Buffalo/Niagara Convention Center work for an amount not to exceed \$200,000.00; and be it further

RESOLVED, that the Comptroller be authorized to make payment for all of the above from SAP Project A.00306 – 2007 - Convention Center Renovations and Improvements for an amount not to exceed \$200,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance and the Office of the Comptroller.  
(5-0)

**TIMOTHY M. KENNEDY**  
**CHAIR**

Item 42 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

JUNE 19, 2008

GOVERNMENT AFFAIRS  
COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

ALL ITEMS ARE HEREBY TABLED.

**BARBARA MILLER-WILLIAMS**  
**CHAIR**

Item 43 – MR. KOZUB presented the following report, moved to separate item Number 1-B, and moved to approve the balance of the report. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

JUNE 19, 2008

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 22D-1 (2007)  
**PARKS, RECREATION & FORESTRY:** Japanese Garden at Emery Park  
(5-0)

- b. INTRO. 8-17 (2008)  
**MILLS & RATH:** Renegotiation of City and County Parks Agreement  
(5-0)
- c. COMM. 11M-4 (2008)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** Steelfields Ltd.  
Project Bulletin - Cleanup Activities Complete  
(5-0)

2. COMM. 11E-16 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, National Fuel Gas Distribution Corporation has requested use of a ten feet area of County land, SBL 193.04-3-34.12 for replacement of existing gas line by insertion along County property; and

WHEREAS, a Revocable Permit is recommended for National Fuel Gas Distribution Corporation to use the property; and

WHEREAS, this Revocable Permit will have no negative effect on the ability of Erie County Sewer District No. 2 to operate and maintain sewer related operations; and

WHEREAS, the Advisory Review Committee has approved the issuance of the requested ten feet area in the form of a Revocable Permit; and

WHEREAS, the granting of this Revocable Permit will bear no cost to the County.

NOW, THEREFORE, BE IT

RESOLVED, that a Revocable Permit for use of an area being 10' in width immediately adjacent to the northerly highway bounds of North Creek Road and the easterly highway bounds of Versailles Road of Parcel SBL No. 193.04-3-34.12 be granted to National Fuel Gas Distribution Corporation; and be it further

RESOLVED, that the County Executive be authorized to sign said Revocable Permit subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Michael J. Quinn, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.  
(5-0)

3. COMM. 11E-17 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to perform services associated with Phase II of the feasibility study evaluating elimination of the Lackawanna Wastewater Treatment Plant and transmitting all flows to the Buffalo Sewer Authority for treatment; and

WHEREAS, New York State Shared Municipal Services Incentives has awarded Erie County and Erie County Sewer District No. 6 a grant for this feasibility study; and

WHEREAS, the Selection Committee of representatives from the Department of Environment and Planning and Buffalo Sewer Authority has recommended the firm of CRA Infrastructure and Engineering, Inc. be awarded the assignment; and

WHEREAS, CRA Infrastructure and Engineering, Inc. has successfully completed the analyses associated with Phase I of the feasibility study; and

WHEREAS, a new agreement must be executed to retain CRA Infrastructure and Engineering, Inc. for Phase II of the feasibility study.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of CRA Infrastructure & Engineering, Inc. be retained at a cost not to exceed \$375,000 to complete Phase II of the feasibility study; and be it further

RESOLVED, that the Agreement with CRA Infrastructure & Engineering, Inc. be structured so that the work be authorized on an item by item basis; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of CRA Infrastructure & Engineering, Inc., 285 Delaware Avenue Suite 500, Buffalo, New York 14202, to provide the needed consultant services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that Erie County Sewer District No. 6 accept the remainder of the grant from New York State Shared Municipal Services; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to modify the Erie County Sewer District No. 6 capital and operating fund budgets and establish budget in capital project C.00069 in Erie County Sewer District No. 6 in the amount of \$375,000 and transfer \$55,000 for the agreement from Erie County Sewer District No. 6 operating fund to the Erie County Sewer District No. 6 capital project as follows:

Erie County Sewer District No. 6 – Cost Center 1861010

	<u>Account</u>	<u>Increase</u>
Operating Fund 220	402190 Use of Fund Balance	\$ 55,000
	570000 Trans-Out	\$ 55,000

Erie County Sewer District No. 6 – Cost Center 1861010

	<u>Account</u>	<u>Increase</u>
Capital Fund 430 (C.00069)	516020 Contract. Srvs.	\$375,000
	486000 Trans-In	\$ 55,000
	405070 NYSDOS	\$265,000



420499 Other Local Source (BSA)

\$ 55,000

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the County Executive, the County Comptroller, the County Director of Budget, Gregory Dudek, Esq. – Assistant County Attorney; and two (2) certified copies to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.  
(5-0)

**DANIEL M. KOZUB**  
**CHAIR**

MR. KOZUB moved to Receive & File item Number 1-B. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

Item 44 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

RE: Urging Passage of "Jilly's Law"  
(S.112/A.777)  
(INTRO 13-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS RATH, MILLS & RANZENHOFER**

WHEREAS, Jill and Jeff Cahill were a married couple with two children living near Syracuse, New York; and

WHEREAS, their marriage was facing some difficulties; and

WHEREAS, during an argument in April, 1996, Jeff Cahill bludgeoned Jill Cahill with a baseball bat, causing Jill to lapse into a coma; and

WHEREAS, while out on bail, a restraining order was issued which required Jeff to stay away from Jill; and

WHEREAS, in October, 1996, Jeff was caught posing as a hospital staff member in the same hospital where Jill was recovering; and

WHEREAS, one week later, Jeff posed as a janitor at the same hospital, entered Jill's room and murdered her; and

WHEREAS, currently, the only factor that court's can consider when setting bail in domestic violence cases is risk of flight; and

WHEREAS, if the court was allowed to consider the brutal nature of the attack, the resulting injuries and Jill's safety, Jill might still be alive today; and

WHEREAS, New York State Senate Bill 112 and New York State Assembly Bill 777 would permit courts to consider violations of court orders, history of threats or violence against an alleged victim, previous records of protection against the individual, the violent nature of the charged crime, the impact that the crime had against the victim's family and other relevant circumstances when determining bail in domestic violence cases.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislative Body pause in its deliberations to acknowledge the importance of "Jilly's Law" and urge the immediate passage and chaptering of New York State Senate Bill 112 and New York State Assembly Bill 777, which will provide additional protection to victims of domestic violence; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, Attorney General Andrew Cuomo, the local delegation to the New York State Legislature and County Executive Christopher Collins.

MS WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 45 - CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 13-2 from WHYTE & REYNOLDS. Employee Free Choice Act.

Item 46 - CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 13-3 from WHYTE. Encouraging Governor Paterson Signing Into Law A.8059C and S.5366C.

Item 47 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 13-4 from REYNOLDS & KOZUB. Changing the Current EC Charter Sec. 202.2 by Increasing the Term of Office for Members of the County Legislature from Two to Four Years.

Item 48 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

RE: Opposing a Proposed NYS Moratorium  
on New Community Optional  
Preventive Services (COPS) Including  
Operation Prime Time In Erie County  
(INTRO 13-5)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MAZUR, REYNOLDS, MARINELLI, WHYTE, MILLS, KOZUB,  
KENNEDY, MILLER-WILLIAMS, GRANT, IANNELLO, LOUGHRAN & RATH**

WHEREAS, on Thursday, June 12, 2008, the Erie County Legislature unanimously approved this year's Operation Prime Time Program, a juvenile delinquency prevention program; and

WHEREAS, funding for the Operation Prime Time Program in 2008 was increased to \$714,285 – in both the legislative resolution approved on June 12, 2008 and the Erie County Budget approved in December 2007; and

WHEREAS, state funding comprises 65% of the program total of \$714,285, and Erie County funding represents the local match of 35%; and

WHEREAS, the Legislature approved the funds to be directed to 54 community-based organizations in urban, suburban and rural communities in Erie County that submitted outstanding proposals; and

WHEREAS, the start-up of Operation Prime Time is the beginning of July, to coincide with the end of the school year; and

WHEREAS, the week of June 16, the contracts for each agency were nearly completed and ready to be sent to the providers of these vital services for our county's youth population, particularly those youth at risk of engaging in delinquency-related behaviors; and

WHEREAS, proposals that were submitted by 54 community-based organizations and effectively met Operation Prime Time program guidelines were reviewed and accepted by the Erie County Department of Social Services prior to any suggestion of a moratorium on program expansion; and

WHEREAS, at the June 19 meeting of the Erie County Legislature's Health & Human Services Committee, legislators learned that this funding is in jeopardy, according to a recent "policy advice" communication that had been directed to local social services districts in New York State by an attorney with the Office of Children and Family Services (OCFS); and

WHEREAS, the document makes reference to the 2% across the board reductions that had been ordered by the Governor; and

WHEREAS, this reduction represents a \$34.5 million cut in the Local Assistance General Fund of the New York State Office of Children and Family Services Budget for 2008-09; and

WHEREAS, the Erie County Legislature is especially concerned about any cuts to Child Welfare Services and specifically the advice given under the document heading, "Savings Actions to Consider for 2009-10," and

WHEREAS, relative to the Community Optional Preventive Services (COPS) Program, the OCFS attorney has advised: "COPS programs are currently funded from Child Welfare Services. COPS program requests have increased and numerous requests are currently pending. A moratorium on any new COPS proposals should be considered as a cost savings measure in the future;" and

WHEREAS, the need and demand for Operation Prime Time has exceeded prior year appropriations, and the approved funding expansion is desperately needed in our community as an important tool to reduce the incidence of juvenile delinquency; and

WHEREAS, any withdrawal of the state's commitment to this program is most troubling, as it would cause a disruption of services to the at-risk youth population throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that there be no moratorium on the expansion of COPS (Community Optional Preventive Services) programs, which are funded under the category of Child Welfare Services and are under the jurisdiction of the New York State Office of Child and Family Services; and be it further

RESOLVED, that the Operation Prime Time Program in Erie County be permitted to expand to a 2008 program of \$714,285 (65% state funds/35% county funds) in response to community need; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David A. Paterson, the Director of the New York State Office of Children and Family Services, County Executive Chris Collins, Erie County Social Services Commissioner Michael Weiner and the WNY Delegation to the New York State Legislature.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 49 - CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 13-6 from MILLS & RANZENHOFER. Urging the Passage of "Michelle and Jordan's Law" (S.8020A).

Item 50 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 13-7 from RANZENHOFER, MILLS & RATH. Supporting the Taxpayer Empowerment and Accountability Plan.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 51 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 10E-24 (2008). MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

RE: Erie Community College 2008-2009  
Budget  
(COMM. 10E-24)

RESOLVED, the Erie County Legislature does hereby approve the 2008-2009 Budget of Erie Community College as adopted by the ECC Board of Trustees on April 30, 2008.

MS. WHYTE moved to approve the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 52 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 11E-5 (2008). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

RE: District Attorney - Operation IMPACT  
Grant - 2008-2009

(COMM. 11E-5)

WHEREAS, the District Attorney through the Operation IMPACT Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Operation IMPACT Grant Budget in Book B for 2008; and

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes positions and funding levels different from the adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that within the District Attorney's Operation IMPACT Grant, authorization is hereby provided to delete two positions of Assistant District Attorney II, position #429 and #51001789; and create two positions of Assistant District Attorney III (B100 #3890); and be it further

RESOLVED, that these positions be created and filled effective July 1, 2008, the grant award date; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Operation IMPACT Grant to match authorized state funding levels, to be adjusted as follows:

OPERATION IMPACT GRANT  
114IMPACT0809  
July 1, 2008 – June 30, 2009

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Revenue</u>			
409000 State Revenue	<u>\$ 593,261</u>	<u>\$ (21,303)</u>	<u>\$ 571,958</u>
Total Revenue	<u>\$ 593,261</u>	<u>\$ (21,303)</u>	<u>\$ 571,958</u>
	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Appropriation</u>			
500000 Full Time Salaries	\$ 412,963	\$ (14,944)	\$ 398,019
502000 Fringe Benefits	175,798	(6,359)	169,439
510100 Out of Area Travel	<u>4,500</u>	<u>- 0 -</u>	<u>4,500</u>
Total Appropriations	<u>\$ 593,261</u>	<u>\$ (21,303)</u>	<u>\$ 571,958</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller, Erie County Personnel and the Director of Budget and Management.

MS. WHYTE moved to approve the item. MR. KENNEDY seconded. MS. IANNELLO voted in the negative.

CARRIED. (13-1)

Item 53 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 11E-11 (2008). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

RE: Central Police Services - 2008 Crime  
Mapping Grant  
(COMM. 11E-11)

WHEREAS, the City of Buffalo has been awarded funding under the Operation Impact grant program through the New York State Division of Criminal Justice Services; and

WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services to provide crime analysis and crime mapping services for its project.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the City of Buffalo and accept funding in the amount of \$25,000; and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

GRANT FUND – SAP 165CRIMEMAP2008  
Central Police Services 06/01/08 to 12/31/08

<u>Revenue</u>	<u>Increase</u>
479100 Other – Local Source	\$25,000
<u>Appropriation</u>	<u>Increase</u>
516020 Prof. Services Contracts	\$25,000
<u>Total Appropriation</u>	\$25,000

And be it further

RESOLVED, that authorization is hereby provided to issue a purchase order to Globalquest Solutions, Inc., a local WBE/New York Contract vendor, to provide the technical staff for this project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 54 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 11E-21 (2008). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

RE: Emergency Services Microwave Project  
(COMM. 11E-21)

WHEREAS, the County's current emergency microwave system is over 25 years old and difficult to maintain; and

WHEREAS, funding is available in the E-911 fund to replace and improve the current system.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary adjustments are hereby authorized within the 2008 Budget of the E-911 fund:

Fund 230 - E911			
Fund Center 165 Central Police Services			
			<u>Increase</u>
Appropriated Fund			
Revenue	402190	Balance	\$1,246,038
Lab and Technical			
Expense	561410	Equipment	\$1,246,038

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Comptroller, the Commissioner of Central Police Services, the Commissioner of Emergency Services, and the Director of Budget and Management.

MS. WHYTE moved to approve the item. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.



**SUSPENSION OF THE RULES**

Item 55 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-31 from MARINELLI Re: Letter to Establish the Transportation Subcommittee Under the Auspices of the Economic Development Committee

Received and Filed.

Item 56 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-32 from MARINELLI & KENNEDY Re: Letter to Majority Leader Whyte Requesting an Appointment to the Citizen's Budget Review Commission

Received and Filed.

Item 57 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13D-13 from the COUNTY ATTORNEY Re: Letter to Mayor Brown Regarding Termination of the Intermunicipal Agreement for the Management and Operation of the Buffalo Parklands

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 58 – (COMM. 13E-1) Audit of the Department of Social Services Internal Controls Over Cash Receipts, Cash Disbursements and Near-Cash Equivalents

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY EXECUTIVE, COMPTROLLER, CHAIR MARINELLI,  
MAJORITY LEADER WHYTE AND MINORITY LEADER MILLS**

Item 59 – (COMM. 13E-2) Erie County Request for Expeditious Passage of A.11610 and S.8571

Received and Filed.

FROM LEGISLATOR MILLER-WILLIAMS

Item 60 – (COMM. 13E-3) Letter of Absence From June 26, 2008 Session

Received, Filed and Printed.

June 19, 2008

Honorable Lynn M. Marinelli  
Chair, Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

Dear Chair Marinelli:

Please be advised that I will be unable to participate in the Session of the Erie County Legislature scheduled for June 26, 2008 due to my military commitment.

Thank you.

Sincerely,

Barbara Miller-Williams  
Third District Legislator

Item 61 – (COMM. 13E-4) Letter of Absence From Committee Meetings During the Week of June 16-19, 2008

Received and Filed.

Item 62 – (COMM. 13E-5) Letter of Absence from June 20, 2008 Special Session

Received, Filed and Printed.

June 19, 2008

Honorable Lynn M. Marinelli  
Chair, Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

Dear Chair Marinelli:

Please be advised that I will be unable to participate in the Special Session of the Erie County Legislature scheduled for June 20, 2008 due to my military commitment.

Thank you.

Sincerely,

Barbara Miller-Williams  
Third District Legislator

**FROM THE COUNTY CLERK**

Item 63 – (COMM. 13E-6) Letter Seeking Support for Efficiency Grant to Fund Relocation of Downtown Auto Bureau

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM LEGISLATOR MILLS**

Item 64 – (COMM. 13E-7) Appointment to the Board of Directors for the Commission on the Status of Women

Received, Filed and Printed.

June 13, 2008

Hon. Lynn M. Marinelli  
Chair, Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Chair Marinelli:

The Minority Caucus of the Erie County Legislature wishes to put forth the name of Tahmina Rehman as our nominee to fill our available appointment on the Board of Directors for the Commission on the Status of Women. Ms. Rehman's information is as follows:

Tahmina Rehman  
92 Pinelake Drive  
Williamsville, New York 14221

Thank you for your consideration on this matter.

Sincerely,

John J. Mills  
Minority Leader

CC: Susan Sizemore, Executive Director  
Commission on the Status of Women  
County Executive Chris Collins

FROM THE COUNTY EXECUTIVE

Item 65 – (COMM. 13E-8) Payment In Lieu of Taxes (PILOT) Agreement for Amherst Station Apartments

Item 66 – (COMM. 13E-9) Granting the Town of Lancaster a Permanent Easement on County Owned Inventory Land

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 67 – (COMM. 13E-10) Centralized Real Property Tax Administration Program Grant

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 68 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

RE: DSS Lease Renewal - 290 Main  
Street  
(COMM. 13E-11)

WHEREAS, the Department of Social Services is seeking authorization to renew a lease and continue occupancy at 290 Main Street with Swan Group Limited Partnership; and

WHEREAS, the recommendation has the advantage that security arrangements are in place with two uniformed Erie County Sheriff Deputies assigned to the 290 Main Street location; and

WHEREAS, the proposed lease includes a clause enabling the County to terminate the lease after the first two years of the term upon 12 months written notice; and

WHEREAS, the effective rent per square foot rental rate is reduced compared to previous lease agreement; and

WHEREAS, there are no additional County funds required to renew this lease, as funding for this leased space is budgeted and is available in the 2008 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a 5 year lease of 51,518 square feet of space at 290 Main Street, Buffalo, New York with the Swan Group Limited Partnership at the annual base rental rate of \$12.87 per square foot for an annual base rental amount of \$663,037 for the period July 15, 2008 through July 14, 2013; and be it further

RESOLVED, due to the immediate need to continue occupancy the requirement for Request for Proposals is waived; and be it further

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are authorized to execute the lease renewal for 290 Main Street; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

Item 69 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

RE: Accept Funding From the City of  
Buffalo for City Pool Security  
(COMM. 13E-12)

WHEREAS, the Department of Parks, Recreation & Forestry has asked the City of Buffalo to assist in the funding of security at the City of Buffalo pools; and

WHEREAS, the City of Buffalo will assist in paying the County of Erie up to \$15,000 to help offset the cost of security at City of Buffalo pools maintained by the County of Erie; and

WHEREAS, it is important that we maintain a secure environment at the City of Buffalo pools for the safety and well being of the lifeguards and the citizens visiting the pools; and

WHEREAS, having the City of Buffalo aid in the cost shows cooperation with in the Inter-municipal agreement in absorbing this cost.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into any and all agreements with the City of Buffalo to accept funding for the security of the City Pools in an amount not to exceed \$15,000.00; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Office of the Erie County Comptroller and the Assistant County Attorney, Greg Dudek, of the Law Department.

Item 70 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

RE: Right-of-Way (ROW)

Acquisition, Tonawanda Creek  
Road Reconstruction  
(COMM. 13E-13)

WHEREAS, in 2004 a Project for the reconstruction of Tonawanda Creek Road (CR 559) just west of Westphalinger Road in the Town of Clarence, Erie County (the "Project") was established as FEMA PW 87 as a result of disaster FEMA 1534-DR-NY; and

WHEREAS, the County of Erie desires to advance the Project by acquiring the Right-of-Way necessary for its construction; and

WHEREAS, pursuant to Comm. 8E-12 of April 24, 2008 a temporary easement, permanent easement or fee acquisition of all or a portion of the following parcels (the "Subject Properties") has been negotiated at the price indicated:

<u>PARCEL</u>	<u>TYPE OF TAKING</u>	<u>PRICE</u>
5.00-3-17	Permanent Easement	\$ 100.00
5.00-3-18	Fee Acquisition	\$16,200.00
5.00-3-19	Fee Acquisition	\$10,000.00
5.00-3-19	Temporary Easement	\$ 100.00

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the Right-of-Way acquisitions noted; and be it further

RESOLVED, that the \$26,400.00 cost of acquiring the noted Right-of-Way shall be made available from the Project Account SAP B.00172, Tonawanda Creek Reconstruction once the related bonds are sold; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements in connection with the acquisition of the Subject Properties; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Office of Budget, Management & Finance, and the Office of the Comptroller.

Item 71 – (COMM. 13E-14) Appointment to the Erie County Board of Ethics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 72 – (COMM. 13E-15) Emergency Services & Public Safety - 400MHz County-Wide Radio System

Item 73 – (COMM. 13E-16) County-Wide Fire Suppression Study for Information Technology and Communication Rooms

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 74 – (COMM. 13E-17) Lake Shore Shoreline Trail - Drainage Phase 1

Item 75 – (COMM. 13E-18) Jesse Nash Health Center - Roof Replacement

Item 76 – (COMM. 13E-19) Intermunicipal Agreement with Niagara County, Replacement of Cedar Street Bridge

The above three items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 77 – (COMM. 13E-20) EC Holding Center and EC Correctional Facility Expansion Study

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 78 – (COMM. 13E-21) ECSD No. 1 - Broadway West Pump Station Elimination

Item 79 – (COMM. 13E-22) ECSD No. 5 - CRA Infrastructure and Engineering Inc. Agreement - Merger Feasibility Study

Item 80 – (COMM. 13E-23) ECSD No. 6 - Intermunicipal Agreement EC/ECSD #6/Lackawanna - Holland Avenue

Item 81 – (COMM. 13E-24) NYS Water Pollution Control Revolving Loan Programs

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 82 – (COMM. 13E-25) Medicaid Revenue Recovery

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 83 – (COMM. 13E-26) Indigent Defense - Supplemental Appropriation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 84 – (COMM. 13E-27) Partners for Prevention Clinical Services 4/1/2008-3/31/2013

Item 85 – (COMM. 13E-28) DSS Non-Residential Domestic Violence Contracts

Item 86 – (COMM. 13E-29) Amend Older Americans Act Title III Grant Budget

Item 87 – (COMM. 13E-30) Project ACCESS - Office of Public Advocacy - Office for the Disabled

The above four items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF PUBLIC WORKS**

Item 88 – (COMM. 13D-1) Storm Water Annual Report Year 5

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE DEPARTMENT OF EMERGENCY SERVICES**

Item 89 – (COMM. 13D-2) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

**FROM THE DEPARTMENT OF LABOR RELATIONS**

Item 90 – (COMM. 13D-3) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

**FROM THE COUNTY ATTORNEY**

Item 91 – (COMM. 13D-4) Notice of Public Hearing: LL Intro. 4-2008

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 92 – (COMM. 13D-5) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DEPUTY COMPTROLLER - AUDIT**

Item 93 – (COMM. 13D-6) Letter Regarding Erie County Comptroller's Office Audit of Department of Senior Services - Client-Owned Assets Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM VETERANS' SERVICES**

Item 94 – (COMM. 13D-7) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

**FROM THE DEPUTY COMPTROLLER - AUDIT**



Item 95 – (COMM. 13D-8) Letter Regarding Audit of Internal Controls in Erie County Division of Sewerage Management at Sewer District #3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE DEPARTMENT OF PUBLIC WORKS**

Item 96 – (COMM. 13D-9) Performance Assurance Reports Pertaining to Energy Performance Contract for EC Sheriff's Department and B & EC Public Library

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY**

Item 97 – (COMM. 13D-10) Agenda & Minutes of Board of Trustees Meeting Held on June 19, 2008

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE ASSISTANT DIRECTOR FOR ADMIN., DEPARTMENT OF HEALTH**

Item 98 – (COMM. 13D-11) Revised Plan of Correction for the Article 28 Statement of Deficiencies

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM EC CENTRAL POLICE SERVICES**

Item 99 – (COMM. 13D-12) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE TOWN OF NEWSTEAD CLERK**

Item 100 – (COMM. 13M-1) Certified Resolution Regarding Support for Amendments to GML Section 239-N

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE ECIDA**

Item 101 – (COMM. 13M-2) 2007 Annual Report and Annual Independent Audit Report & Management Letter

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 102 – (COMM. 13M-3) Notice Regarding Strategies for Ecosystem Protection

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM GREEN OPTIONS BUFFALO

Item 103 – (COMM. 13M-4) Letter Supporting the Restoration of an Erie County Planning Board

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS FISH AND WILDLIFE MANAGEMENT BOARD

Item 104 – (COMM. 13M-5) Region 9 FWMA Board Meeting Minutes for June 5, 2008

Received and Filed.

FROM THE NYS DEPARTMENT OF HEALTH

Item 105 – (COMM. 13M-6) Response Regarding Article 28D & TC Survey 1/10/2008, Status of Plan of Correction

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE GOVERNOR'S OFFICE

Item 106 – (COMM. 13M-7) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM SENATOR RATH

Item 107 – (COMM. 13M-8) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM SENATOR RATH

Item 108 – (COMM. 13M-9) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS

Item 109 – (COMM. 13M-10) Request for Proposals for Farmland Protection Implementation Projects

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM VOICE-BUFFALO

Item 110 – (COMM. 13M-11) Letter Supporting the Creation of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MICHAEL S. CERRONE

Item 111 – (COMM. 13M-12) Letter Supporting the Creation of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COALITION FOR ECONOMIC JUSTICE

Item 112 – (COMM. 13M-13) Letter Supporting the Recreation of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE LOCAL INITIATIVES SUPPORT CORP.

Item 113 – (COMM. 13M-14) Letter Supporting the Recreation of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM GERALD E. KELLY

Item 114 – (COMM. 13M-15) Letter Supporting the Establishment of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM PARTNERS FOR A LIVABLE WNY

Item 115 – (COMM. 13M-16) Letter Supporting the Establishment of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM IAN R. MCPHERSON

Item 116 – (COMM. 13M-17) Letter Supporting the Establishment of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM SHARON BENZ**

Item 117 – (COMM. 13M-18) Letter Supporting the Establishment of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 118 – LEGISLATOR REYNOLDS announced that elected officials and anyone in the chambers are invited to attend the Official Christening of Excalibur Leisure Skills new program vessel ‘Richard A. Smith,’ to be held this Saturday, June 28, 2008 from 11:00 A.M. to 1:00 P.M. at Anchor Marine, 1501 Ferry Road, Grand Island.

Item 119 – CHAIR MARINELLI announced that Ralph Galanti had sent a warm thank you card to the Legislature concerning last session’s proclamation presented to him. Mr. Galanti wrote: “Dear Honorable Members – My sincere thank you and gratitude for bestowing this wonderful honor on me. My success can be shared with you since all of you supported E.C.C. and the athletic program through your legislature. Thank you again. Be happy. Ralph Galanti.”

**MEMORIAL RESOLUTIONS**

Item 120 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Mary Oshirak.

Item 121 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of George Carlin, a wonderful comedian and social critic.

Item 122 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Dennis Bigaj.

Item 123 - Legislator Rath requested that when the Legislature adjourns, it do so in memory of Victor Balanevsky, who died several weeks ago in the former Soviet Union.

**ADJOURNMENT**

Item 124 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WROBLEWSKI moved that the Legislature adjourn until Thursday, July 10, 2008 at 2:00 p.m. Eastern Standard Time. MS. KONST seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, July 10, 2008 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**